

Attorney Docket No.: UT-0030
Inventors: Rao et al.
Serial No.: 09/736,728
Filing Date: December 14, 2000
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REMARKS

Claims 13-19 and 49 are pending in the instant application. Claims 13-19 and 49 have been rejected. Claims 13 and 49 have been amended. Support for these amendments is provided in the specification in Example 1 at pages 17-20 of the Corrected Application filed May 1, 2001 and page 23, lines 17-21 of the corrected May 1, 2001 specification. The Examiner has suggested that page citations cited by Applicants in the last response were 3 pages off. It is respectfully pointed out, however, that Applicants were referring to page numbers of the Corrected Application filed May 1, 2001 in response to the Notice to File Corrected Application Papers mailed by the USPTO on March 26, 2001. The required margin change resulted in a shift in text which accounts for the three page discrepancy noted by the Examiner. Accordingly, support for these claim amendments appears in the originally filed application at pages 15-17 and page 20, line 25, through page 21, line 1, respectively of the originally filed application. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

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I. Rejection of Claims 13-19 and 49 under 35 U.S.C. § 112, first paragraph

Claims 13-19 and 49 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed had possession of the claimed invention. Specifically, the Examiner suggests that there is neither proper antecedent basis nor conception in context with that described within the specification at the time of filing the instant application for recitation of "immunonegative for PDGF- α and PDGF- β ", versus immunonegative for the PDGF- α and PDGF- β "receptors", "the Ran-2 antigen" and the R24 anti-GD3 antibody", while being A2B5 positive, as alternately described on pages 20-21 of the specification. Further, the Examiner suggests that giving an incomplete characterization of the cells by removing negative phenotypes increases the scope of the claimed invention and constitutes new matter.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended the claims to clarify the glial restricted precursor cells isolated in the present invention are immunonegative for PDGF- α receptor, PDGF- β

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receptor, and Ran-2 antigen, not labeled with R24 anti-GD3 antibody, and immunopositive for A2B5 antigen. Thus, the claims as amended provide a complete characterization of the cells in accordance with teachings at page 23, lines 17-21 of the corrected May 1, 2001 specification and page 20, line 25, through page 21, line 1 of the originally filed application. No new matter is added by this amendment.

Withdrawal of this rejection under 35 U.S.C. § 112, first paragraph is respectfully requested in light of these claim amendments.

II. Rejection of Claims 13-19 and 49 under 35 U.S.C. § 103(a)

The Examiner has maintained the rejection of claims 13-19 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Jat (U.S. Patent 5,688,692) in view of Gard et al. Applicants arguments were found unconvincing as the Examiner suggests that while some of Jat's cultures looked like O-2A progenitors, these are not the only cells Jat reasonably used in his method of culturing/isolating/differentiating/obtaining glial cells, where the claims do not recite closed language nor recite a homogenous population of starting glial progenitor cells that exclude the O-2A progenitor-glial restricted precursor cells, nor recite an additional method step that does not reasonably flow from the

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teachings of Jat, in view of Gard.

Accordingly, in an earnest effort to advance the prosecution of this case and clearly distinguish the present invention from prior art teachings such as Jat and Gard, Applicants have amended the specification to clarify that the glial restricted precursor cells are isolated by negative immunoselection of E-NCAM positive cells followed by positive immunoselection with an A2B5 antibody. Support for this amendment is provided in the specification in Example 1 at pages 17-20 of the Corrected Application filed May 1, 2001 and pages 15-17 of the original application. Since neither Jat or Gard teach isolation of glial restricted precursor cells with the characteristics of the present invention via negative immunoselection of E-NCAM positive cells, the cited combination of references cannot render obvious claims drawn to a method comprising isolation of these characterized glial restricted precursor cells by this step.

Withdrawal of this rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

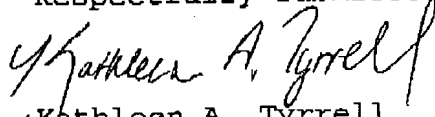
III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending

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claims is earnestly solicited.

Respectfully submitted,



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